IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN INSOLVENCY

PETITION NO. 6 OF 2007.

Re : Smt.Taradevi Gadia & Ors . . . . . Debtors.

Ex-parte :
SICOM Ltd., ... Petitioning Creditors.

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Mr. P. V. Shah, Advocate for the Petitioning Creditor.

CORAM : A.M.KHANWILKAR J.
NOVEMBER 26, 2007.

P. C.

1. The present Petition is founded on the decree passed by the Court against debtors on 25th April 2005 in Miscellaneous Petition No. 56 of 2000. As the debtors failed to pay the amount, Insolvency Notice No.N-104 of 2006 dated 20th June 2006 was issued, which was duly served on the debtors on 17th July 2006 by substituted mode.

2. Subsequent thereto a Notice of Motion No.141 of 2006 was taken out for setting aside the aforesaid Notice of Motion, which was dismissed on 7th November 2006. Inspite of service, debtors failed to pay the decretal amount. In that sense, act of insolvency was completed on 7th November 2006.

2. As the debtors failed to pay the amount or offer any explanation for non-payment, Petitioning Creditor has had no option but to take out the present action, which has been filed on 11th January, 2007. The debtors have been duly served on 22nd March 2007 with substituted notice in the present action, (as per the liberty given to the Petitioning creditor to effect service by substituted mode). Inspite of such service, none appears for the debtors. No reply has been filed. Inspite of such service, none appears for the debtors. No reply has been filed. As no explanation have been offered on behalf of the debtors, Petition ought to succeed in terms of prayer clauses (a) and (b).

(a) an order of adjudication of Insolvency, may be made by this Hon'ble Court against theDebtors.

(b) for costs.

. Ordered accordingly.

A. M. KHANWILKAR, J.